

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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PAUL MURPHY, Regional Director of Region 3 of the
National Labor Relations Board, for and on behalf of the
NATIONAL LABOR RELATIONS BOARD

Case No.: 3:17-MC-0004

-Against-

CAYUGA MEDICAL CENTER AT ITHACA, INC.

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**ANSWER IN OPPOSITION TO PETITION FOR TEMPORARY
INJUNCTION UNDER SECTION 10(J) OF THE NATIONAL LABOR RELATIONS
ACT, AS AMENDED**

CAYUGA MEDICAL CENTER (“Respondent” or “CMC”) by and through their
attorneys Bond, Schoeneck & King, PLLC, answers the Petition for Temporary Injunction Under
Section 10(j) of the National Labor Relations Act as follows:

The preamble to the Petition requires no response. To the extent it may be read as setting
forth allegations, Respondent DENIES such allegations.

1. ADMITS the allegations in Paragraph 1.
2. Paragraph 2 contains a legal conclusion and therefore requires no response. To
the extent it is deemed to contain factual allegations, Respondent DENIES such allegations.
3. ADMITS the allegations in Paragraph 3.
4. ADMITS the allegations in Paragraph 4.
5. ADMITS the allegations in Paragraph 5.
6. ADMITS the allegations in Paragraph 6.
7. ADMITS the allegations in Paragraph 7.

8. DENIES the allegations in Paragraph 8.
 - (a) ADMITS the allegations in Paragraph 8(a).
 - (b) ADMITS the allegations in Paragraph 8(b).
 - (c) ADMITS the allegations in Paragraph 8(c).
 - (d) ADMITS the allegations in Paragraph 8(d).
 - (e) ADMITS the allegations in Paragraph 8(e).
 - (f) DENIES the allegations in Paragraph 8(f).
 - (g) ADMITS the allegations in Paragraph 8(g).
 - (h) ADMITS the allegations in Paragraph 8(h).
 - (i) ADMITS the allegations in Paragraph 8(i).
 - (j) ADMITS the allegations in Paragraph 8(j).
 - (k) DENIES the allegations in Paragraph 8(k).
 - (l) DENIES the allegations in Paragraph 8(l).
 - (m) DENIES the allegations in Paragraph 8(m).
 - (n) DENIES the allegations in Paragraph 8(n).
9. DENIES the allegations in Paragraph 9.
10. DENIES the allegations in Paragraph 10.
11. DENIES the allegations in Paragraph 11.
12. ADMITS the allegations in Paragraph 12.

The WHEREFORE clause sets forth legal conclusions and/or a plea for relief to which no response is required. To the extent that this Paragraph may be read as setting forth allegations to which a response is required, Respondent DENIES such allegations.

RESPONDENT'S DEFENSES

1. Petitioner does not set forth any evidence to establish reasonable cause to believe that the Respondent committed unfair labor practices, and therefore, an injunction should not be issued.
2. Petitioner does not establish that the relief sought would be just and proper.
3. Petitioner does not establish a likelihood of success on the merits and/or the existence of irreparable harm.
4. Petitioner does not establish that remedial measures available before the National Labor Relations Board would be insufficient if an injunction is not granted.
5. Petitioner's request for an injunction is premature. Petitioner requests to have the injunction decided on the basis of the administrative record developed before the Administrative Law Judge which is not yet developed.

WHEREFORE, Respondent respectfully requests that this Court dismiss the Board's petition in all respects and grant the Respondent such other further relief as it deems just and proper.

Dated: March 3, 2017

Respectfully Submitted,

BOND, SCHOENECK & KING, PLLC

By: _____/s/

Raymond J. Pascucci, Esq.

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CENTER

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